MPMA BKHST

Majlis Perundingan Malaysia Agama Buddha, Kristian, Hindu, Sikh dan Tao

Malaysian Consultative Council of Buddhism Christianity, Hinduism, Sikhism and Taoism

123,Jalan Berhala,Brickfields,50470 Kuala Lumpur. Tel :03-22739304 Fax:03-22739307 Email : mccbchst@yahoo.com Website: http://harmonymalaysia.wordpress.com

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MCCBCHST: LET US WORK TOGETHER TOWARDS A HARMONIOUS, JUDICIOUS AND UNITED MALAYSIA

The Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) is concerned by the statement issued by Dr Yusri Mohamad on behalf of Muslim NGO's that Islam's position in Malaysia is under siege.

How could Islam's position be under siege when all public institutions and other Organs of Government are under the control of Muslims? We Quote ZAID IBRAHIM **(Malaysia Today: 29/4/2011; www.zaiduntukrakyat.com).**

"...Even without recent "unity call", the Malays are in complete political control. More than two-thirds of the cabinet is Malay....more than two-thirds of Parliamentarians are Malay or Bumiputra. The Sultans are Malay. All except one of the Menteri Besars and Chief Ministers are Malay Bumiputra. Eighty-five percent of Civil Service is Malay, including the diplomatic Corps and the educational and judicial services. The Armed Forces and Police are composed primarily of Malays. Rela Members are mostly Malay.

....Government-linked companies (GLCS) such as Maybank, Petronas, Telekom Malaysia, TNB, Khazanah Nasional, PNB, Media Prima, Felda, Sime Darby and many others the vast majority of which are owned by the Government and managed by Malay-Bumiputras? The G-20 group of largest listed GLCS alone possesses RM353 bilion (around half) of the market capitalization of the entire Bursa Malaysia".

We are further amazed to read that the designation of a Non-Muslim affairs exco in Penang is unconstitutional and threaten's Islam's position. **There is no prohibition any where in the Federal Constitution against the designation of a Non-Muslim affairs exco**. In fact,

currently most states under Barisan Nasional have Non-Muslim Affairs Committees to address religious, places of worship, burial grounds and other issues faced by the Non-Muslims.

ISLAM'S POSITION

The **MCCBCHST** is not aware of any person or body having questioned Islam's position as enshrined in **Article 3** of the Federal Constitution.

ARTICLE 3(1) provides that Islam is the religion of the Federation and concludes with "...other religions may be practiced in peace and harmony in any part of the Federation."

ARTICLE 3(4) provides that **"Nothing in this Article derogates from any other provision of the Constitution...."** This means that Article 3 does not extinguish anything else in the constitution. **Professor Shad Faruqi (STAR: 3/5/2011 page N51) stated:**

"....Further, **Article 3** (on Islam) does not extinguish anything else in the Constitution. **Article 3(4)** provides that "Nothing in this Article derogates from any other provision of this Constitution. This means that **Articles 3** cannot be employed to challenge the validity of a drug trafficking law on the ground that some of its provisions were Un-Islamic **(Che Omar Che Soh (1988).** Nor-can **Article 3** be relied on to trump any other constitutional provision – whether on fundamental rights or system of parliamentary government...."

Thus, one cannot use the position of Islam as the religion of the Federation to question other's rights. It has to be based on the provisions of the Federal Constitution.

Therefore, fundamental and other rights guaranteed in the Federal Constitution cannot be over-ridden by Article 3 and some such rights are:-

Article 4(1)	-	**"This Constitution is the Supreme law of the Federation............."**
Article 8(1)	-	**"All persons are equal before the law and entitled to the equal protection of the law".**
Article 11(1)	-	**"Every person has the right to profess and practice his religion and subject to clause (4) to propagate it"**

Article 153 (1) -	**"The legitimate interest of other communities" most of the time ignored".**
Article 153 (9) -	**Which prohibits restriction of business or trade solely for Malays is also totally ignored.**

The **MCCBCSHT** reiterates and accepts unequivocally the Position of Islam as the religion of the Federation as provided for by **Article 3**. We note however that Article 3 cannot be used to challenge any other constitutional position.

The MCCBCHST therefore calls on Dr Mohamad Yusri and the Muslim NGO's to work together with all citizens towards a harmonious, judicious and united Malaysia.

Reverend Dr Thomas Philips
President
MCCBCHST